CMPMO No. 327 of 2006.

24.7.2007 Present: Mr. G.R. Palsra, Advocate, for the petitioner.

Mr. Lalit K. Sharma, Advocate, for respondent No.3.

By the impugned order the learned Motor Accidents Claims Tribunal-II, Mandi has rejected the petitioner's application for amendment of the written statement.

The petitioner was respondent No.1 in the claim petition. The allegations in the claim petition by the claim petitioners were that the deceased was employed as a labourer with respondent No.1 in the tractor at the relevant time (when the accident took place). The averments with respect to the employment as a labourer were contained in paras 16 and 24(i) of the claim petition. Both these averments were specifically dealt with by the petitioner in the written statement as originally filed by him, copy whereof I have read today. While dealing with these averments the petitioner very clearly and categorically denied the allegations of the deceased being employed by him as a labourer in the tractor owned and driven by him at the relevant time.

The only ground urged in the application seeking the amendment of the original written statement is contained in para 3 of the application. For ready reference para 3 is reproduced hereunder. It reads thus:

> "3. That the sentence sought to be amended were not so dictated to the typist who however typed them as they are in the reply filed. The mistake was deducted (sic) when the reply has already been filed in this tribunal on behalf of the applicant/replying respondent No.1 the averment in these two paras of the already filed reply are not factually correct, nor the same were intended to be so arrer (sic)

> as such this typographical arrer (sic) need to be corrected so as to make the record straight (An affidavit is attached)."

The ground is neither convincing nor does it inspire any confidence of the Court. The language employed in the original written statement clearly suggests that the reply with respect to the deceased not having been engaged as a labourer was a conscious reply and could not be said to be the result of a typing mistake.

The learned Court below was correct in rejecting the petitioner's prayer for amendment because a contradictory stand was being taken in the proposed amendment which would change the very nature and complexion of the case.

No interference is called for. The petition is dismissed.

July 24, 2007. **(V.K. Gupta), C.J.**
(rc)